

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	
)	
v.)	CIVIL ACTION NO. 2:07cv429-WHA
)	
ONE HUNDRED FIFTY THREE)	
THOUSAND TWO HUNDRED NINETY)	
(\$153,290) DOLLARS IN UNITED)	
STATES CURRENCY; and,)	
)	
THREE THOUSAND EIGHT HUNDRED)	
EIGHTY (\$3,880) DOLLARS IN)	
UNITED STATES CURRENCY,)	
)	
DEFENDANTS.)	

REQUEST TO ENTER DEFAULT

To: DEBRA P. HACKETT, CLERK OF THE COURT

The United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, hereby requests that you enter a default, pursuant to Federal Rule of Civil Procedure 55(a), against Raul Garnica, Rene Garnica and all other persons and entities having an interest in the Defendant currency, for failure to file a claim or answer, or otherwise defend as provided for in the manner set forth in 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims.

Respectfully submitted this the 10th day of December, 2007.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

/s/John T. Harmon
John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
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Bar Number: 7068-II58J

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DECLARATION IN SUPPORT OF
REQUEST TO ENTER DEFAULT

1. I, John T. Harmon, am an Assistant United States Attorney and represent the United States of America (United States) in this action.

2. A Verified Complaint for Forfeiture In Rem was filed on May 15, 2007. The Complaint alleges that the Defendant currency constitutes monies furnished and intended to be furnished in exchange for controlled substances, represents proceeds of trafficking in controlled substances, and was used and intended to be used to facilitate violations of Title 21, United States Code, Section 801 et seq., which is punishable by imprisonment of more than one year; therefore, the currency is subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 881(a)(6).

3. Pursuant to a Warrant and Summons for Arrest In Rem issued by this Court on May 17, 2007, all persons with an interest in the Defendant currency were required to file their claims with the Clerk of the Court within thirty (30) days of the execution of the Warrant and Summons for Arrest In Rem, publication of the Notice of Arrest, or actual notice of this action, whichever occurred first.

4. The United States Marshals Service for this District seized the Defendant currency on July 5, 2007.

5. Notice of said forfeiture action was published in the Montgomery Advertiser newspaper on July 13, 20 and 27, 2007.

6. Notice of said forfeiture action was published in the Houston Chronicle newspaper on October 19, 26 and November 2, 2007.

7. On May 24, 2007, Lonnie R. Knowles, Attorney at Law, was personally served with copies of the Verified Complaint for Forfeiture In Rem and Warrant and Summons for Arrest In Rem by the United States Marshals Service.

8. On June 14, 2007, Rene Garnica was personally served with copies of the Verified Complaint for Forfeiture In Rem and Warrant and Summons for Arrest In Rem by the United States Marshals Service.

9. On October 29, 2007, Raul Garnica was personally served with copies of the Verified Complaint for Forfeiture In Rem and Warrant and Summons for Arrest In Rem by the United States Marshals Service.

10. Rene Garnica has failed to file a claim or answer within the time permitted by applicable Statutes and Rules.

11. Raul Garnica has failed to file a claim or answer with the time permitted by applicable Statutes and Rules.

12. Declarant knows of no reason why a default against Rene Garnica, Raul Garnica and all other persons and entities having an interest in the Defendant currency should not now be entered.

I declare under penalty of perjury that the foregoing is true and correct.

Done this 10th day of December, 2007.

/s/John T. Harmon

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ENTRY OF DEFAULT

It appearing that Lonnie R. Knowles, Attorney at Law, was personally served copies of the Verified Complaint for Forfeiture In Rem and Warrant and Summons for Arrest In Rem by the United States Marshals Service on May 24, 2007;

It appearing that Rene Garnica was personally served copies of the Verified Complaint for Forfeiture In Rem and Warrant and Summons for Arrest In Rem by the United States Marshals Service on June 14, 2007;

It appearing that Raul Garnica was personally served copies of the Verified Complaint for Forfeiture In Rem and Warrant and Summons for Arrest In Rem by the United States Marshals Service on October 29, 2007;

Rene Garnica has failed to plead or otherwise defend as required by law.

Raul Garnica has failed to plea or otherwise defend as required by law.

DEFAULT hereby is entered against said **Rene Garnica and Raul Garnica** and all other persons and entities having an interest in the Defendant currency this _____ day of _____, 2007.

CLERK, UNITED STATES DISTRICT COURT